

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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UNITED STATES OF AMERICA,

Case No. 15-CR-0224 (PJS/SER)

Plaintiff,

v.

ORDER

BRIAN PETER MCQUILLAN (1),

Defendant.

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Surya Saxena, UNITED STATES ATTORNEY'S OFFICE, for plaintiff.

Kirk M. Anderson, ANDERSON LAW FIRM, PLLC; Robert E. Oleisky,  
OLEISKY & OLEISKY, PA, for defendant.

This matter is before the Court on defendant Brian Peter McQuillan's objection to the November 23, 2015 Report and Recommendation ("R&R") of Magistrate Judge Steven E. Rau [ECF No. 65]. Judge Rau recommends denying defendant's motion to suppress physical evidence [ECF No. 25], motion to suppress statements [ECF No. 26], motion to suppress evidence based on the search warrant [ECF No. 33], and motion for a *Franks* hearing [ECF No. 44]. The Court has conducted a de novo review. *See* 28 U.S.C. § 636(b)(1); Fed. R. Crim. P. 59(b). Based on that review, the Court adopts the R&R.

ORDER

Based on all of the files, records, and proceedings herein, the Court OVERRULES defendant's objection [ECF No. 71] and ADOPTS the R&R [ECF No. 65]. Accordingly, IT IS HEREBY ORDERED THAT:

1. Defendant's motion to suppress physical evidence [ECF No. 25] is DENIED.
2. Defendant's motion to suppress statements [ECF No. 26] is DENIED WITHOUT PREJUDICE.
3. Defendant's motion to suppress evidence based on the search warrant [ECF No. 33] is DENIED.
4. Defendant's motion for a *Franks* hearing [ECF No. 44] is DENIED.

Dated: December 30, 2015

s/Patrick J. Schiltz

Patrick J. Schiltz

United States District Judge